

**Date Posted: April 15, 2011**

**Date of Meeting: April 19, 2011**

**Location: City Hall, Council Chambers, 145 Taunton Avenue, East  
Providence, RI 02914**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**April 19, 2011**

**6:30 P.M. Executive Session**

**7:30 P.M. Open Session**

**I. EXECUTIVE SESSION**

**The City Council of the City of East Providence will meet in Executive  
Session pursuant to RI General Laws § 42-46-5 (a) (2)**

**A. Claims Committee**

**See concurrently posted Claims Committee Meeting Agenda.**

**B. Potential Litigation**

- 1. Ocean State Towing – set date to reschedule Show Cause Hearing**

**C. IAFF Contract Negotiations**

**II. CALL TO ORDER**

**III. INVOCATION**

#### **IV. SALUTE TO THE FLAG**

#### **V. TO APPROVE THE CONSENT CALENDAR**

**All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.**

##### **A. Letters**

- 1.Resolution from the Newport City Council opposing binding arbitration for school teachers and school employees.**
- 2.Resolutions from the Town of North Smithfield opposing binding arbitration for school teachers and school employees.**
- 3.Resolution from the School Committee of Exeter-West Greenwich opposing binding arbitration for school teachers and school employees.**
- 4.Resolution from the Town of Jamestown supporting legislation initiative to amend RIGL 17-11-1“An Act Relating to Elections – Voting Districts and Officials”**
- 5.Resolution from the Town of Jamestown supporting amending RIGL 16-7-44 school housing project costs.**
- 6.Resolution from the Town of Jamestown in opposition to H5961 regarding School Employee Arbitration.**

7. Resolution from the Town of Glocester supporting RIGL 16-7-23 to prevent a Regional School District from presenting and overall budget that reflects prior year(s) debt service which is no longer occurring.
8. Resolution from the Town of Little Compton supporting legislation to adopt an earlier time for the closure of polling places.
9. Resolution from the Smithfield School Committee opposing binding arbitration for school teachers and school employees.
10. Resolution from the Town of Little Compton supporting H5804 allowing a single polling place to serve up to 4000 voters.
11. Resolution from the Town of Little Compton supporting RIGL 17-11-1 “An Act Relating to Elections – Voting Districts and Officials”.
12. Resolution from East Greenwich Town Council supporting closing the polls at 8:00PM.

## **B. Holiday Sales**

**Growers Edge, LLC, 155 Newport Avenue (02916)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

## **VI. Public Comment**

**All persons wishing to make public comment shall sign a public comment sheet stating their name, address, and the subject of their comments. Said public comment sheet shall be available on a desk**

at the entrance of the City Hall Chambers no later than forty-five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered by the City Clerk to the presiding officer no earlier than five (5) minutes before the call to order of the meeting.

## **VII. APPOINTMENTS**

**A.Historic District Commission-Reappointment (by Councilwoman Kleyla)**

**Edna Anness, 403 Greenwood Avenue (02916)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**B.Historic District Commission-Reappointment (by Councilwoman Kleyla)**

**Nancy Moore, 14 Josephine Avenue (02916)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**C.Historic District Commission–Reappointment (by Councilman DiGioia)**

**David Kelleher, 36 Riverside Drive (02915)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**D.Beautification Committee-Reappointment (by Assistant Mayor Rose)**

**Joseph Gibson, 12 Waterview Avenue (02915)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**E.Beautification Committee – Reappointment (by Assistant Mayor Rose)**

**Louise M. King, 35 Greenwich Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**F.Beautification Committee – Reappointment (by Councilman DiGioia)**

**George Page, 22 Grassy Plain Road (02915)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**G. Tree Warden – Reappointment (by Mayor Rogers)**

**Michael Bartlett, Parks Department City of East Providence**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**H. Acting Assistant City Manager (by Mayor Rogers and Councilwoman Kleyla)**

**Robert Craven, 25 Highland Rd Saunderstown (02874)**

**RESOLVED, that Robert Craven, be appointed Acting Assistant City Manager to provide assistance to the Interim City Manager in the day**

to day operations of the City and to serve until a permanent City Manager is selected.

Motion\_\_\_By\_\_\_2nd\_\_\_

Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_

## **VIII. LICENSES REQUIRING PUBLIC HEARING**

### **A.B-Full Privilege**

Sao Miguel Eateries DBA Estrella do Mar, 736 North Broadway (02914), Carlos P. Andrade, 5 Fox Hollow Lane, Sheron, MA 02067.

Motion\_\_\_By\_\_\_2nd\_\_\_

Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_

### **B.Dance Entertainment**

Sao Miguel Eateries DBA Estrella do Mar, 736 North Broadway (02914), Carlos P. Andrade, 5 Fox Hollow Lane, Sheron, MA 02067.

Motion\_\_\_By\_\_\_2nd\_\_\_

Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_

### **C.B-Full Privilege-Transfer**

Transfer from Bruno Foods, Inc., DBA Cattails City Grille to Vine Yard, LLC DBA Vine Yard East, 315 Waterman Avenue (02914), Jeffrey Boisseau, 37 Larchmere Drive (02916).

Motion\_\_\_By\_\_\_2nd\_\_\_

Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_

## **IX. LICENSES NOT REQUIRING PUBLIC HEARING**

### **A.Vict./Over 50**

**Sao Miguel Eateries DBA Estrella do Mar, 736 North Broadway (02914), Carlos P. Andrade, 5 Fox Hollow Lane, Sheron, MA 02067.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

### **B.Vict./Over 50-Transfer**

**Transfer from Bruno Foods, Inc., DBA Cattails City Grille to Vine Yard, LLC DBA Vine Yard East, 315 Waterman Avenue (02914), Jeffrey Boisseau, 37 Larchmere Drive (02916).**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

### **C.Dance/Entertainment-Transfer**

**Transfer from Bruno Foods, Inc., DBA Cattails City Grille to Vine Yard, LLC DBA Vine Yard East, 315 Waterman Avenue (02914), Jeffrey Boisseau, 37 Larchmere Drive (02916).**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

## **X. NEW BUSINESS**

### **A.City Managers Report (by Interim City Manager Orlando Andreoni)**

#### **1. Street Sweeping**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**2. \$10,000 Plow**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**3. Sale of Surplus Vehicles**

**4. Fire Department Safer Grant**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**5.78 Anthony Street**

**6.Grove Avenue School**

**7.Bid Approval – Sidewalk Improvement Program**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**B. Reports of Other City Officials**

**1.Claims Committee Report (by Assistant Solicitor Gina DiCenso)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**



## **2.Estate of William Sanford (by Solicitor Orlando Andreoni)**

### **C. Council Members**

#### **1. State Street Neighborhood Reminder (by Mayor Rogers)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

#### **2.Tax Assessment Mobil Oil (by Mayor Rogers)**

#### **3.Providence Journal Mandatory Thursday Paper Delivery (by Mayor Rogers)**

#### **4. East Providence Police Department Explorer Program (by Assistant Mayor Rose)**

#### **5.Business Friendly City (by Assistant Mayor Rose)**

#### **6. Search Committee Report (by Councilman DiGioia)**

#### **7. Deficit Elimination Committee Status Report (by Councilman Conley)**

#### **8. Paperless Docket Update (by Councilwoman Kleyla)**

## **9.Meeting with Legislative Delegation (by Councilwoman Kleyla)**

### **D .Resolutions**

**A Resolution Supporting S0151 and H relating to Hattie Ide Chaffee Nursing Home.**

#### **RESOLUTION IN SUPPORT OF LEGISLATION H-5205 AND S-0151 RELATING TO HATTIE IDE CHAFFEE NURSING HOME**

**WHEREAS, legislation was introduced on February 3, 2011 by Representatives DaSilva and Savage as bill 2011-H-5205 and by Senators DeVall and DaPonte as bill 2011-S 0151 entitled “AUTHORIZING HATTIE IDE CHAFFEE NURSING HOME TO RECEIVE,HOLD, TRANSMIT AND CONVEY REAL AND PERSONAL ESTATE TO AN AMOUNT NOT EXCEEDING TWENTY MILLION DOLLARS” which would allow this exemption from taxation to be retroactive through all preceding years.**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the above-mentioned legislation allowing this exemption from taxation.**

**NOW, THEREFORE, BE IT FURTHER RESOLVED that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, Representative Roberto DaSilva, Representative John A. Savage, Senator Daniel DaPonte and Senator Frank A. DeVall, Jr.**

**This resolution shall become effective upon its passage.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

## **E. Introduction of Ordinances**

### **1. An ordinance regulating the sale of fireworks.**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED**

**“LICENSES AND BUSINESS REGULATIONS”**

**SECTION I. Article II entitled “Miscellaneous Business and Occupational Licenses and Permits” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended by adding thereto the following:**

**Sec. 8-40. Fireworks.**

**(a) The sale and discharge of fireworks is governed by the provisions of Chapter 11-13 entitled “Explosives and Fireworks”, §11-13-1 Sale, use or possession of fireworks, §11-13-2 Limitation of prosecution – Fines, §11-13-3 Sale of fulminate cartridges or contrivances to minors, §11-13-4 Toy canes or devices for firing blanks, §11-13-5 Sale of blanks to minors, §11-13-6 Penalty for unlawful devices, §11-13-7 Unlawful firecrackers, §11-13-8 Delivery or transportation of unmarked explosives or inflammable substances, §23-28.11-3 Permits for storage, handling, transportation and display of display fireworks,**

**serial consumer fireworks and pyrotechnics §23-28.11-4 Certificate of competency, and §23-28.11-5 Duration – Expiration – Renewal – Duplication of the General Laws of Rhode Island. No provision for the regulation thereof is provided herein. The manufacturer of fireworks is prohibited within the City.**

**(b) Each applicant must provide the City with a binder of insurance as required by §23-28.11-3(d) in order to receive a permit.**

**(c) Each applicant must provide the City with a Certificate of Competency as required by §23-28.11-4 in order to receive a permit.**

**(d) The application for said permit will be for an annual permit, and the fee shall be fixed in the amount of \$150.00 per year.**

**(e) Each applicant shall complete an Application for Fireworks Permit which requires the signatures of both the Chief of Police and the Fire Chief, authorizing said permit.**

**(f) Any person/entity violating the provisions of this section shall be fined not exceeding \$500.00 for each offense, and/or possibly face being barred from obtaining any future fireworks permits in the City of East Providence.**

**SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

## **F.Communications**

**1.Thomas Riley, 3620 Pawtucket Avenue (02915) requesting to**

**address the Council regarding Councilman Conley and his legal strategy for eliminating Pond View from the City.**

**2.Fredrick Vinhateiro, 78 Read Street (02915) requesting to address the Council regarding an 15th Annual Car Show closing Pawtucket Avenue from 3708-3730 on Sunday, May 29th from 10:00AM-3:00PM.**

**3.Freddie Rybka, 9 Cozzens Avenue requesting to address the Council regarding dangerous sidewalks.**

**4.Tony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding graffiti.**

## **XI.ADJOURNMENT**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Conley\_\_\_DiGioia\_\_\_Kleyla\_\_\_Rose\_\_\_Rogers\_\_\_**

**\*If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590**